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# CHILDREN OF ILLEGITIMATE BIRTH
*and*
# MEASURES FOR THEIR PROTECTION

By
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## OTHER PUBLICATIONS OF THE CHILDREN'S BUREAU RELATING TO ILLEGITIMACY

Adoption Laws in the United States; a summary of the development of adoption legislation and significant features of adoption statutes, with the text of selected laws, by Emelyn Foster Peck. Publication No. 148, 153 pp. 1925.

Illegitimacy as a Child-Welfare Problem: Part 1—A Brief Treatment of the Prevalence and Significance of Birth out of Wedlock, the Child's Status, and the State's Responsibility for Care and Protection (with bibliographical material), by Emma O. Lundberg and Katharine F. Lenroot. Publication No. 66. 405 pp. 1921.

Illegitimacy as a Child-Welfare Problem: Part 2—A Study of the Original Records in the City of Boston and in the State of Massachusetts, by Emma O. Lundberg and Katharine F. Lenroot. Publication No. 75. 408 pp. 1921.

Illegitimacy as a Child-Welfare Problem: Part 3—Methods of Care in Selected Urban and Rural Communities. Publication No. 128. 260 pp. 1924.

Illegitimacy Laws of the United States and Certain Foreign Countries, by Ernst Freund. 260 pp. 1919. (Exhausted; available in libraries.)

Illegitimacy Laws of the United States; analysis and index. Excerpt from Publication No. 42. 98 pp. 1919. (Obtainable only from the Children's Bureau.)

Minimum Standards for Child Welfare Adopted by the Washington and Regional Conferences on Child Welfare, 1919. Publication No. 62. 15 pp. 1920.

Norwegian Laws Concerning Illegitimate Children; introduction and translation by Leifur Magnusson. Publication No. 31. 37 pp. 1918.

Standards of Child Welfare; a report of the Children's Bureau Conferences, May and June, 1919. Publication No. 60. 459 pp. 1919.

Separate No. 1. The Economic and Social Basis for Child-Welfare Standards.

Separate No. 4. Children in Need of Special Care and Standardization of Child-Welfare Laws.

Standards of Legal Protection for Children Born out of Wedlock; a report of regional conferences held under the auspices of the U. S. Children's Bureau and the Inter-City Conference on Illegitimacy. Publication No. 77. 158 pp. 1921.

A Study of Maternity Homes in Minnesota and Pennsylvania. Publication No. —. — pp. 1926. (In press.)

The Welfare of Infants of Illegitimate Birth in Baltimore as affected by a Maryland law of 1916 governing the separation from their mothers of children under 6 months old, by Rena Rosenberg and A. Madorah Donahue. Publication No. 144. 24 pp. 1925.

# CHILDREN OF ILLEGITIMATE BIRTH AND MEASURES FOR THEIR PROTECTION

## WHAT ILLEGITIMATE BIRTH MEANS TO THE CHILD

"The fundamental rights of childhood," in the words of a resolution adopted by the child-welfare conferences held under the auspices of the United States Children's Bureau, "are normal home life, opportunities for education, recreation, vocational preparation for life, and moral, religious, and physical development in harmony with American ideals * * *."[1] For centuries the child born out of wedlock has been deprived of these rights, and particularly of that most basic of all rights—normal home life, with all that home implies of parental care and affection. Though guiltless themselves, such children have been made to suffer for the sins of their parents and for those social conditions which foster misconduct.

A letter to his mother from a 14-year-old boy, who from infancy had been a ward of a public child-caring agency, expresses the instinctive yearning of every child for a father and mother and kin of his own, a birthright of which this child, born out of wedlock, had been deprived:

> Dear mother, I was very glad to hear from you. I was so surprised to hear from my mother I didn't know what to do. I didn't know I had a mother. Have I a father, sisters or brothers, aunts, uncles, cousins? I am well. I am almost 14. How old are you? I hope you are well the same as me. Write to me and tell me more about you—what you are doing. From your son.

A study of the histories of these children who have been deprived of their birthright indicates the mental suffering that may be more important to consider than any actual "stigma" that might pertain to illegitimate birth. In early infancy John was abandoned by his mother and taken under care by a public agency. He was boarded in family homes until he was 14 years of age. Then, for some misdemeanor, he was sent to an industrial school. At the age of 17 years he wrote to the superintendent of the State agency:

> I would like to know where I was born and how old I was when I was put on the State, and what for did my father and mother die or what was the matter. Have I any brothers or sisters in the world or any friends? I am 17 years old the 25th of this month, just the rite age to learn a trade. Please write and tell me how things are as soon as possible please.
>
> Your friend,
>
> JOHN.

[1] Minimum Standards for Child Welfare, Adopted by the Washington and Regional Conferences on Child Welfare, 1919, p. 11. U. S. Children's Bureau Publication No. 62. Washington, 1920.

This letter gives a very real picture of the condition of many a child born out of wedlock—" nobody's child," but with an instinctive longing to know whence he sprang and what place he would rightly hold in the community. In ignorance of the conditions of his birth and the circumstances that made him a public ward, he comes to the natural conclusion that his parents must have died, thus leaving him dependent, and hopes to get in touch with brothers or sisters or " any friends." To him these things are necessary to settling down to learn a trade. Does not this boy tell us the first and most important article of a square deal—the right of every child to have a father and mother, relatives and friends, a home of his own, and a definite place in the community?

Fortunately conditions in our country are such that many of the children who begin life with the handicap of birth out of wedlock are received into normal family groups and suffer little if any unfortunate results from their birth status. The children who concern us are those who suffer as a result of the conditions under which they are brought into the world—those who die in infancy because of lack of proper maternal care, those who become dependent upon the public for support, those who are neglected, and those whose circumstances of life contribute to make them delinquent.

## THE PREVALENCE OF BIRTH OUT OF WEDLOCK

### ILLEGITIMACY RATES IN THE UNITED STATES AND IN EUROPE

In most European countries birth registration, because of its importance in connection with military service and other governmental requirements, has been very nearly complete. Statistics of illegitimate births have been the subject of exhaustive research by students of social problems and by statistical bodies and are therefore readily available for comparative study.

It is very difficult in the United States to obtain adequate data on the prevalence of birth out of wedlock, even in the States included in the birth-registration area, which comprise about three-fourths of the total estimated population. The proportion of unregistered illegitimate births is undoubtedly greater than the proportion of unregistered legitimate births. The entry of incorrect information on the birth certificate further invalidates the figures, and the failure of many States and cities to compile separate statistics for illegitimate births reduces still more the amount of information available. The data that can be obtained indicate a problem not so great in extent as in most European countries but of sufficient proportions to demand serious attention and study. The number and rate of illegitimate live births per 1,000 total live births in the United States and in specified countries of Europe are given in Table 1:

TABLE 1.—*Illegitimate live births per 1,000 total live births in the United States and in specified countries of Europe, 1914–1923* [1]

| Country | Illegitimate live births, 1923 | | Rate of illegitimate live births per 1,000 total live births | |
|---|---|---|---|---|
| | Number | Rate per 1,000 total live births | Annual average, 1914–1918 | Annual average, 1919–1923 |
| United States birth-registration area [2] | 37,823 | 23.3 | ([3]) | 23.2 |
| Austria | [4] 29,660 | [4] 209.1 | 245.9 | [4] 221.8 |
| Belgium | 8,714 | 56.0 | ([5]) | 63.6 |
| Czechoslovakia | 37,638 | 99.7 | ([6]) | ([6]) |
| Denmark [7] | 8,055 | 107.6 | 115.4 | 108.6 |
| Finland | 7,197 | 87.8 | 81.0 | 85.8 |
| Germany | 133,670 | 103.0 | 109.8 | 107.6 |
| Bavaria | 22,012 | 127.3 | 140.5 | 131.6 |
| Prussia | 71,844 | 90.6 | 99.4 | 98.4 |
| Saxony | [8] 15,625 | [8] 158.8 | 154.1 | [8] 143.4 |
| Wurttemberg | 4,639 | 90.4 | 97.9 | 96.6 |
| Great Britain and Ireland | 41,967 | ---------- | ([9]) | ([9]) |
| England and Wales | 31,522 | 41.6 | 49.8 | 47.3 |
| Ireland (North) | 1,344 | 44.7 | 45.5 | 44.2 |
| Irish Free State | 1,624 | 26.3 | ([5]) | ([6]) |
| Scotland | 7,477 | 66.8 | 73.0 | 72.1 |
| Hungary | [8] 18,151 | [8] 72.8 | 97.4 | [8] 76.6 |
| Italy | 49,272 | 44.5 | 45.7 | 46.1 |
| Luxemburg | 228 | 41.7 | 58.4 | 49.9 |
| Norway [10] | 4,301 | 68.6 | 70.1 | 70.8 |
| Rumania | [8] 62,301 | [8] 101.5 | ([11]) | [8] 97.7 |
| Spain | [8] 38,225 | [8] 58.3 | 52.3 | [8] 60.7 |
| Sweden | 15,851 | 140.4 | 150.9 | 145.1 |
| Switzerland | 2,760 | 36.5 | 46.9 | 40.5 |
| The Netherlands | 3,447 | 18.6 | 22.0 | 20.2 |

[1] For European rates covering the period 1906 to 1914, see Illegitimacy as a Child-Welfare Problem, Part 1, p. 13 (U. S. Children's Bureau Publication No. 66, Washington, 1920). Except as otherwise noted, figures are based on statistics of live births reported in Annuaire International de Statistique. II. Mouvement de la Population (Europe), L'Office Permanent de l'Institut International de Statistique, La Haye, 1917, pp. 40 to 53; and Aperçu de la Demographie des Divers Pays du Monde. II. Mouvement de la Population, La Haye, 1925, pp. 272–282. In certain countries (Germany, Prussia, Bavaria, Hungary) the territory comprised is not the same throughout the period 1914–1923.

[2] Exclusive of California and Massachusetts, for which illegitimacy statistics are not available. Data from Birth, Stillbirth, and Infant Mortality Statistics for the Birth-Registration Area of the United States, 1922, p. 32; 1923, p. 19 (U. S. Bureau of the Census, Washington, 1924 and 1925).

[3] Figures not available prior to 1917.

[4] Figures for 1921 and annual average, 1919–1921.

[5] Not reported between 1914 and 1918.

[6] Reported for 1923 only.

[7] Statistisk Aarbog, Danmark, 1919, pp. 16, 17; 1921, pp. 14, 15; 1925, pp. 24, 25.

[8] Figures for 1922 and annual average 1919 to 1922.

[9] Figures for Irish Free State available for 1923 only.

[10] Statistisk Årbok for Kongeriket Norge, 44de Argang, 1924, p. 22. Oslo, 1925. Figures for 1923 provisional.

[11] No figures available for 1916, 1917, and 1918.

The rate for the United States appears to be lower than the rate for any European country for which figures are available except the Netherlands. It is probable, however, that the United States rate is more of an understatement than the rates for many European countries. (See p. 2.) The European figures are only approximately comparable because of differences in methods of registration and in legal definitions of illegitimacy. The Netherlands, the Irish Free State, Switzerland, England and Wales, Luxemburg, Italy, North Ireland, Belgium, and Spain have the lowest rates of the European countries, the annual average for 1919–1923, and the rate

for 1923, for all these countries being less than 70 illegitimate births per 1,000 live births. Austria, Sweden, Denmark, Germany, and Rumania have the highest rates—from 97.7 to 221.8 per 1,000. For most countries the annual average for 1919–1923 was slightly less than the annual average for the preceding five-year period, 1914–1918.

### ILLEGITIMACY RATES IN STATES AND CITIES OF THE UNITED STATES

In the States for which data can be obtained the number of illegitimate live births per 1,000 total live births was 23.3 in 1923. If negro births in States having large negro populations are excluded the rates for individual States ranged from 6.9 to 38.8. Table 2 shows the number of live births reported as illegitimate in 28 States and the District of Columbia in the birth-registration area in 1923, and the rate of illegitimate live births per 1,000 total live births for each year of the period 1917 to 1923:

TABLE 2.—*Live births reported as illegitimate in 1923 and illegitimate live births per 1,000 total live births, 1917–1923, by States in the birth-registration area* [1]

| State | Number of live births reported as illegitimate, 1923 | Rate of illegitimate live births per 1,000 total live births in specified years | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | | 1917 | 1918 | 1919 | 1920 | 1921 | 1922 | 1923 |
| United States birth-registration area [1] | 37,823 | 18.6 | 17.4 | 21.1 | 22.7 | 24.4 | 23.8 | 23.3 |
| Connecticut | 367 | 9.3 | 11.0 | 9.8 | 10.6 | 11.1 | 11.9 | 11.9 |
| Delaware | 176 | (2) | (2) | (2) | (2) | 41.3 | 45.6 | 38.8 |
| District of Columbia: | | | | | | | | |
| White | 110 | 21.0 | 14.3 | 18.3 | 22.6 | 18.9 | 19.5 | 17.2 |
| Colored | 420 | 177.6 | 146.7 | 162.8 | 155.8 | 155.8 | 167.2 | 160.0 |
| Illinois | 1,677 | (2) | (2) | (2) | (2) | (2) | 13.2 | 12.7 |
| Indiana | 869 | 13.1 | 12.1 | 13.2 | 12.7 | 14.0 | 12.6 | 13.3 |
| Kansas | 405 | 7.1 | 6.3 | 7.3 | 7.0 | 9.9 | 11.5 | 10.3 |
| Kentucky: | | | | | | | | |
| White | 648 | 9.8 | 7.4 | 9.9 | 12.5 | 10.9 | 12.8 | 10.6 |
| Colored | 370 | 74.8 | 85.5 | 103.9 | 113.7 | 107.0 | 118.8 | 105.2 |
| Maine [3] | 272 | 9.7 | 8.4 | 11.4 | 12.9 | 11.9 | 13.4 | 15.5 |
| Maryland: | | | | | | | | |
| White | 519 | 17.0 | 18.1 | 18.6 | 18.5 | 18.4 | 19.6 | 18.7 |
| Colored | 1,340 | 170.9 | 171.3 | 180.3 | 178.6 | 194.1 | 184.2 | 195.1 |
| Michigan | 1,434 | 12.4 | 12.4 | 13.2 | 15.1 | 16.5 | 15.6 | 15.4 |
| Minnesota | 1,049 | 16.1 | 16.0 | 16.2 | 16.9 | 18.7 | 18.4 | 18.6 |
| Mississippi: | | | | | | | | |
| White | 186 | (2) | (2) | (2) | (2) | 8.9 | 10.3 | 8.9 |
| Colored | 2,929 | (2) | (2) | (2) | (2) | 133.3 | 135.4 | 133.1 |
| Montana | 155 | (2) | (2) | (2) | (2) | (2) | 12.7 | 14.8 |
| Nebraska | 372 | (2) | (2) | (2) | 9.6 | 11.5 | 11.1 | 12.3 |
| New Hampshire [3] | 105 | 10.9 | 13.0 | 10.3 | 11.8 | 13.9 | 12.6 | 11.3 |
| New Jersey | 928 | (2) | (2) | (2) | (2) | 13.1 | 13.0 | 12.4 |

[1] Exclusive of California and Massachusetts, for which illegitimacy statistics are not available. Birth, Stillbirth, and Infant Mortality Statistics for the Birth-Registration Area of the United States, 1921, 1922, and 1923. U. S. Bureau of the Census. Washington, 1923, 1924, and 1925.

[2] Not in birth-registration area until a later date.

[3] The birth certificates of these States do not require information as to legitimacy, but it is sometimes given. (Although the Census Bureau states that the information "is sometimes given," it will be seen from the table that the rates for Maine and New Hampshire are average and for Vermont very high.)

TABLE 2.—*Live births reported as illegitimate in 1923 and illegitimate live births per 1,000 total live births, 1917–1923, etc.*—Continued

| State | Number of live births reported as illegitimate, 1923 | Rate of illegitimate live births per 1,000 total live births in specified years | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | | 1917 | 1918 | 1919 | 1920 | 1921 | 1922 | 1923 |
| New York | 2,783 | 12.2 | 9.0 | 10.3 | 12.2 | 12.3 | 12.2 | 12.1 |
| North Carolina: | | | | | | | | |
| White | 997 | 15.6 | 14.4 | 14.8 | 17.2 | 16.7 | 17.3 | 17.2 |
| Colored | 3,509 | 124.8 | 114.3 | 115.4 | 127.7 | 131.2 | 139.0 | 134.1 |
| Ohio | 2,000 | 12.5 | 12.6 | 14.9 | 16.1 | 16.3 | 17.1 | 16.0 |
| Oregon | 183 | [2] | [2] | 13.9 | 14.3 | 14.0 | 14.4 | 12.2 |
| Pennsylvania | 4,672 | 17.8 | 18.1 | 19.0 | 21.2 | 22.1 | 22.8 | 21.5 |
| Rhode Island | 236 | 14.2 | 8.4 | [4] | [4] | 4.2 | 9.3 | 16.3 |
| South Carolina: | | | | | | | | |
| White | 475 | [2] | [2] | 16.9 | 19.6 | 20.1 | 19.8 | 20.7 |
| Colored | 3,266 | [2] | [2] | 135.6 | 140.6 | 142.7 | 153.0 | 153.0 |
| Utah | 113 | 7.2 | 8.5 | 7.8 | 8.1 | 8.0 | 7.7 | 8.3 |
| Vermont [3] | 186 | 12.3 | 12.7 | 18.6 | 17.5 | 17.2 | 15.7 | 25.4 |
| Virginia: | | | | | | | | |
| White | 915 | 20.0 | 17.4 | 18.2 | 19.9 | 20.2 | 19.7 | 20.5 |
| Colored | 2,725 | 127.8 | 125.4 | 129.6 | 129.0 | 135.2 | 137.0 | 138.6 |
| Washington | 341 | 9.4 | 8.5 | 9.8 | 12.3 | 11.7 | 12.0 | 13.5 |
| Wisconsin | 997 | 12.0 | 11.9 | 12.1 | 15.0 | 16.2 | 15.8 | 16.9 |
| Wyoming | 34 | [2] | [2] | [2] | [2] | [2] | 6.9 | 6.9 |

[2] Not in birth-registration area until a later date.
[3] The birth certificates of these States do not require information as to legitimacy, but it is sometimes given. (Although the Census Bureau states that the information "is sometimes given," it will be seen from the table that the rates for Maine and New Hampshire are average and for Vermont very high.)
[4] Not in birth-registration area in these two years.

In 23 of the 28 States shown in Table 2, and in the District of Columbia, the number of illegitimate live births per 1,000 total live births, or the white rates where separate figures are given for white and colored [2] births, ranged in 1923 between 10 and 20 per 1,000, or between 1 and 2 per cent. The rate for the United States birth-registration area as a whole (23.3, exclusive of California and Massachusetts) was raised somewhat by the high rates for the colored. In six States and the District of Columbia rates for white and colored were given separately, the rates for the colored ranging from 105.2 per 1,000 to 195.1 per 1,000 (10.5 to 19.5 per cent). Though these rates are extremely high, compared with the white rates in the United States, they correspond rather closely to the rates for European countries having the largest relative amount of illegitimacy.

City rates of illegitimate live births for 21 cities in the United States having more than 100,000 inhabitants are shown in Table 3. In most cases the city rate is higher than the rate for the State in which it is located.

[2] Where the term "colored" is used in this report it includes all other than white and may include Indians, Chinese, and Japanese.

TABLE 3.—*Illegitimate live births per 1,000 total live births in 21 cities in the United States having more than 100,000 population in 1920* [1]

| City | 1915 | 1916 | 1917 | 1918 | 1919 | 1920 | 1921 | 1922 | 1923 | 1924 |
|---|---|---|---|---|---|---|---|---|---|---|
| Albany | ------- | 19.7 | 16.4 | 8.4 | 10.9 | 17.4 | 18.7 | 17.2 | ------- | ------- |
| Baltimore: | | | | | | | | | | |
| White | 31.3 | 25.7 | 21.5 | 18.7 | 17.2 | 13.2 | 14.4 | 17.6 | 15.7 | 16.3 |
| Colored | 245.2 | 227.0 | 216.2 | 217.5 | 209.0 | 217.7 | 222.8 | 199.3 | 214.4 | 207.7 |
| Buffalo | 20.7 | 22.4 | 25.2 | 18.0 | 22.4 | 18.9 | 21.0 | 21.3 | 20.3 | 27.0 |
| Cincinnati | 38.3 | 28.3 | 23.0 | 26.5 | 29.7 | 28.9 | ------- | ------- | ------- | ------- |
| Denver | 28.4 | 29.2 | 36.3 | 39.6 | 33.7 | 31.9 | ------- | ------- | ------- | ------- |
| Detroit | 25.9 | 22.3 | 20.8 | 20.2 | 17.5 | 20.6 | ------- | 18.0 | 19.5 | ------- |
| Grand Rapids | 37.1 | 41.5 | 34.1 | 29.0 | 31.7 | 33.1 | 42.0 | 39.5 | 38.9 | 48.3 |
| Hartford | 18.1 | 19.1 | 18.6 | 20.9 | 17.2 | 21.6 | 17.7 | 20.4 | 17.8 | 19.8 |
| Kansas City, Mo | 60.7 | 62.8 | 79.5 | 82.3 | 119.3 | 135.7 | ------- | ------- | ------- | ------- |
| Milwaukee | 25.9 | 28.0 | 26.3 | 22.6 | 24.5 | 26.2 | ------- | ------- | ------- | ------- |
| Minneapolis | 42.8 | 39.9 | 40.4 | 40.5 | 35.0 | 40.4 | 47.3 | ------- | ------- | ------- |
| Newark | 13.9 | 13.0 | 11.6 | ------- | ------- | 10.8 | 12.4 | 13.2 | 10.6 | ------- |
| New York | 12.1 | 10.6 | 10.2 | ------- | 10.7 | 10.7 | ------- | 10.0 | 9.4 | ------- |
| Philadelphia | 27.5 | 23.8 | 23.2 | 23.3 | 23.5 | 23.2 | 23.0 | 24.1 | 23.2 | ------- |
| Providence | 22.3 | 19.7 | 22.1 | 22.6 | 18.1 | 17.8 | 17.9 | 17.7 | 17.0 | 19.9 |
| Rochester | ------- | 10.5 | 8.6 | 6.5 | 10.0 | 10.0 | 13.2 | 14.8 | ------- | ------- |
| St. Louis | 37.4 | 39.2 | 36.2 | 36.3 | 41.8 | 37.1 | ------- | ------- | ------- | ------- |
| St. Paul | 37.4 | 40.2 | 47.8 | 37.6 | 40.6 | 39.1 | 38.8 | 41.8 | 35.7 | 39.5 |
| Syracuse | ------- | 20.0 | 17.3 | 10.6 | 15.3 | 16.9 | 17.0 | 23.6 | ------- | ------- |
| Yonkers | ------- | 7.6 | 9.2 | 6.9 | 8.1 | 12.5 | 8.7 | 8.4 | ------- | ------- |
| Washington, D. C.: | | | | | | | | | | |
| White | 22.6 | 16.1 | 21.0 | 14.3 | 18.3 | 22.6 | 18.9 | 19.5 | 17.2 | 19.0 |
| Colored | 194.5 | 181.9 | 177.6 | 146.7 | 162.8 | 155.8 | 155.8 | 167.2 | 160.0 | 164.3 |

[1] Data from annual reports of or figures furnished by State boards of health, departments of public welfare, or bureaus of vital statistics. For Washington, D. C., the figures for 1917–1923 are from the Annual Reports of Birth Statistics (U. S. Bureau of the Census, 1921, 1922, and 1923).

### ILLEGITIMACY RATES ACCORDING TO COUNTRY OF BIRTH AND AGE OF MOTHER

In the United States birth-registration area in 1923, exclusive of California and Massachusetts, for which illegitimacy statistics are not available, 23 live births out of every 1,000 were illegitimate. The lowest illegitimacy rate was among the foreign-born mothers. Of the births to native white mothers 16 per 1,000 and of the births to negro mothers 126 per 1,000 were illegitimate.

Among the foreign-born mothers, Italians were found to have the lowest rate (1.8) and Canadians the highest (12.8). Even the Canadian rate, however, was lower than the rate for mothers born in the United States. The rates, according to race and birthplace of the mothers, are shown in the following list:

| Race and country of birth of mother | Rate per 1,000 live births in United States birth-registration area, 1923 [3] |
|---|---|
| Total | 23.3 |
| White | 13.8 |
| United States | 16.1 |
| Foreign countries | 5.3 |
| Austria, Hungary | 5.7 |
| Canada | 12.8 |
| Denmark, Norway, Sweden | 9.5 |
| England, Scotland, Wales | 10.5 |
| Ireland | 10.3 |
| White—Continued | |
| Foreign countries—Contd. | |
| Germany | 12.0 |
| Italy | 1.8 |
| Poland | 4.4 |
| Russia | 2.5 |
| Other foreign countries | 5.9 |
| Country not stated | 167.3 |
| Colored: | |
| Negro | 126.3 |
| Other colored | 38.6 |

[3] Exclusive of California and Massachusetts.

Approximately half the illegitimate births in the birth-registration area in 1923, exclusive of California and Massachusetts, were to mothers under 20 years of age, and about four-fifths were to mothers under 25.

The following list shows the distribution of illegitimate births according to the age of the mother:

| Age of mother at birth of child | Per cent distribution of illegitimate births | Age of mother at birth of child | Per cent distribution of illegitimate births |
|---|---|---|---|
| Total | 100.0 | 25 years, under 30 | 9.8 |
| | | 30 years, under 35 | 4.8 |
| 10 years, under 15 | 2.4 | 35 years, under 40 | 3.2 |
| 15 years, under 20 | 48.8 | 40 years, under 45 | 1.1 |
| 20 years, under 25 | 29.8 | 45 years and over | .2 |

Comparison of the age distribution of white and colored mothers shows 81.2 per cent of the white and 80.6 per cent of the colored less than 25 years of age. But the proportion of colored mothers (53.2 per cent) less than 20 years of age is greater than that of white mothers (49.2 per cent). The percentage of white mothers in the age period 20 to 24 years is greater than that of negroes. Of the births to foreign-born mothers only 28 per cent were to mothers under 20. Seventy-nine per cent of the births to foreign-born mothers were to mothers under 30 compared with 91 per cent of the births to native white mothers and 90 per cent of those to colored mothers.

### ESTIMATED NUMBER OF ILLEGITIMATE BIRTHS IN THE ENTIRE UNITED STATES

The population of the birth-registration area in 1923, exclusive of California and Massachusetts, for which illegitimacy statistics are not available, comprised 72.2 per cent of the total estimated population of the United States. In attempting to estimate the number of illegitimate births in the entire country it is necessary to apply the rate for this area to the estimated total number of births in the country as a whole. It must be borne in mind, however, that this procedure results in an understatement of the true figure, inasmuch as negroes, among whom the illegitimacy rate is high, comprised, according to the 1920 census, 9.9 per cent of the population of the entire United States and only 6.2 per cent of the population of the States in the birth-registration area.

The estimated number of births in the United States in 1923 was 2,482,889; applying to this number the rate of illegitimate births (23.3 per 1,000) as found for the registration area in 1923 gives 57,851 as the estimated number of illegitimate births in the United States in that year.

## THE HIGH INFANT MORTALITY RATE AND ITS CAUSES

Nowhere is the need for protection of infancy so clearly indicated as in the mortality rates for infants born out of wedlock. European statistics have shown that mortality among such infants is invariably higher than among other infants—sometimes more than twice as

high.[4] Unfortunately, mortality statistics for infants of illegitimate birth are practically nonexistent in the United States. A study made in Boston covering the year 1914 showed a rate for infants of illegitimate birth three times as high as the rate for infants born in wedlock; in New Bedford in 1913 and Milwaukee in 1916–1917 the rates were, respectively, 2.7 times and 2.3 times as high. In Baltimore in 1915 the infant mortality rate for white infants born out of wedlock was 3.3 times as high as the rate for other white infants, and among the colored infants the difference in the rates was 1.8. Marked improvement has taken place in some of these cities in recent years. In Baltimore in 1921 the rate for white infants of illegitimate birth was only 1.8 times as high as the rate for other white infants, and the rates for colored infants of legitimate and of illegitimate birth were practically equal.[5]

Perhaps the most important factor in high infant mortality is early separation of the mother and child and the consequent difficulties with feeding. A sentiment growing in favor in many communities is that of keeping mother and child together wherever the mother's rights and obligations and the welfare of the child can be promoted by this means. The policy of keeping mother and child together, at least during the nursing period, has been advocated for a long time and has been followed successfully by many maternity homes and by some child-caring agencies.

Recent legislation in three States has placed legal sanction upon the policy of requiring mothers and babies to remain together during the nursing period. Maryland public sentiment was aroused by a study made by the State vice commission in 1914, which revealed the seriousness of the problem of early separation from their mothers of infants born out of wedlock and the high mortality prevailing among babies cared for in institutions apart from their mothers. In 1916 a statute was enacted providing that no child under 6 months of age may be separated from his mother for placement in a foster home or institution except under one of the three following specified conditions: (1) Certification (with statement of the reasons for the necessity of separation for the physical good of the mother or child) by two physicians qualified to practice medicine in the State of Maryland and engaged in active practice for at least five years; (2) order for separation by a court of competent jurisdiction; (3) written consent to separation by the board of State aid and charities. The law makes no distinction between children born out of wedlock and children of legitimate birth, but in operation it affects mainly children of illegitimate birth.[6] North Carolina enacted in 1917 a statute similar to that of Maryland forbidding separation except with the written consent of the clerk of the superior court and of the county health officer.[7] South Carolina passed

[4] Illegitimacy as a Child-Welfare Problem—Pt. 1, p. 29. U. S. Children's Bureau Publication No. 66. Washington, 1920.

[5] Illegitimacy as a Child-Welfare Problem—Pt. 2, p. 90; Infant Mortality—Results of a Field Study in New Bedford, Mass., based on births in one year, pp. 15, 64, 66; Illegitimacy as a Child-Welfare Problem—Pt. 3, p. 96; Infant Mortality—Results of a Field Study in Baltimore, Md., based on births in one year, p. 169; The Welfare of Infants of Illegitimate Birth in Baltimore, p. 6. U. S. Children's Bureau Publications Nos. 75, 68, 128, 119, and 144. Washington, 1921, 1920, 1924, 1923, and 1925.

[6] Maryland, act of Apr. 11, 1916, Laws of 1916, ch. 210.

[7] North Carolina, Laws of 1917, ch 59; 1919, ch. 240.

a law in 1923 (applicable only to counties of 90,000 to 100,000 inhabitants) making it unlawful to remove a baby under 6 months of age from the mother for the purpose of placing in a foster home without the written consent of the judge of the children's court and the county health officer, and in 1924 passed a law requiring that persons, agencies, or organizations removing from his mother a child under 6 months of age report to the child-placing bureau of the State board of public welfare the names and addresses of the persons taking the child and of the parents of the child. This requirement does not apply in case the child is known to have been born in wedlock.[8]

In order to ascertain, if possible, the effect of the Maryland law upon mortality among infants born out of wedlock and upon the policies and work of social agencies, the United States Children's Bureau made a study in Baltimore of conditions in the year 1921. One of the bureau's infant mortality studies had covered babies born in Baltimore in 1915 (the year before the passage of the law) so that comparable data for this earlier period were available.

According to findings of the bureau's study, infant mortality among babies born out of wedlock has been markedly reduced in Baltimore, both absolutely and in relation to mortality among children of legitimate birth. Approximately 1 in every 3 infants born out of wedlock in 1915 died before the age of 1 year, and 1 in every 4 before the age of 6 months. Of the babies born in 1921 only 1 in every 8 died before the first birthday and only 1 in every 12 before 6 months. Mortality among infants born out of wedlock was reduced more than 50 per cent between 1915 and 1921, and the rate for infants of legitimate birth was reduced less than 20 per cent. In 1915 the mortality rate among infants born out of wedlock was almost three times as high as the corresponding rate for infants of legitimate birth; in 1921 it was one and one-half times as high. The percentage of decrease in the mortality rate among infants of illegitimate birth was greater (80.4 per cent) for babies of 1 to 3 months than for any other age period.[9]

In Minnesota, under a joint resolution adopted in July, 1918, by the State board of health and the board of control, hospitals and maternity homes must require their patients to nurse infants at the breast so long as they remain under the care of the institution. Where nursing by the mother is impossible for any physical reason exception to this rule may be made by the State board of health or State board of control acting upon proper medical advice.[9a]

The Milwaukee program for keeping mothers and babies together during a three-months' nursing period was put into effect in 1919. In the two-year period, 1916–17, the mortality rate in Milwaukee for infants born out of wedlock was 236.8, or 2.3 times the rate for children of legitimate birth. A study of illegitimacy covering the year ended September 30, 1917, showed that more than half the children

[8] South Carolina, act of Mar. 27, 1923, Acts of 1923, No. 148, sec. 19; act of Mar. 24, 1924, Acts of 1924, No. 728, sec. 8.

[9] The Welfare of Infants of Illegitimate Birth in Baltimore, as affected by a Maryland law of 1916 governing the separation from their mothers of children under 6 months old, p. 7. U. S. Children's Bureau Publication No. 144. Washington, 1925.

[9a] By a Colorado law (Laws of 1925, ch. 133) maternity hospitals must require unmarried mothers to nurse their babies while in the hospitals if physically able to do so.

included in the study had been separated from their mothers and that 45 per cent of the children whose ages at the time of first separation were known had been separated within a month after birth. The executive secretary of the Juvenile Protective Association, in describing the results of Milwaukee's program for unmarried mothers and babies after it had been two years in operation, comments as follows:

> The results of these measures have been gratifying and far-reaching. The child-placing organizations and the doctors and other individuals who formerly brought many babies a few days old into the city to be placed for adoption, are now required to have permits to board them until they are placed with adoptive parents. Commercial lying-in hospitals and maternity homes, which formerly permitted mothers to leave when their babies were only 10 days or 2 weeks old, without any effort at breast feeding, must now apply for a permit to keep the baby without the mother. This requirement gives an opportunity for a social investigation and for finding a way to keep the mother and baby together, in the city or elsewhere, during the three months' nursing period.[10]

Under the Milwaukee plan applications for separation or for exemption from the three months' breast-feeding rule are submitted to the Juvenile Protective Association. A study of applications for separation during the first eight months showed that 69 per cent of those who applied for immediate separation were persuaded to keep their babies and nurse them, and only 9 per cent of this group released their children at the end of three months. It has been the experience of the association that the appeal to the unmarried mother to nurse her baby at least for the minimum period of three months as a kind of reparation for having brought him into the world so handicapped is an almost unfailing argument. It has been found also that at the end of this period not only has there been opportunity for a thorough social investigation but the mother has had a chance to recover from her physical and mental strain and is more capable of deciding what she wishes to do for her baby and for her own rehabilitation.

## ILLEGITIMACY AS A DEPENDENCY PROBLEM

An important part of the problem of child dependency is concerned with children born out of wedlock. These children are usually, by the circumstances of their birth, denied normal home life and parental care. Illegitimacy contributes largely to the burden the public must bear for the care and support of its weaker members. Factors such as poor health, low mentality, immorality, and low economic status of the mother, the father, or the grandparents, often make it impossible for the child to be provided for without the assistance of social agencies. The fact that in a large proportion of cases the father contributes either nothing at all or inadequate amounts results in placing upon the mother a double burden of care and support.

More than one-third of the children born out of wedlock in one large city in one year were under the care of child-caring or child-protective agencies during infancy. One-sixth of the cases under care of private child-caring agencies during one year, one-ninth

[10] Illegitimacy as a Child-Welfare Problem—Pt. 3, p. 101. U. S. Children's Bureau Publication No. 128. Washington, 1924.

of the cases under care of the public child-caring agency of the city, and almost one-fourth of those whose care had been assumed by the State child-caring agency concerned children of illegitimate birth.

In most States the child born out of wedlock bears practically the same relation to the mother, in matters of support and inheritance, as the child of legitimate birth; but in practically all States, up to the present time, it has been held incompatible with the interests of the legal family to place the child of illegitimate birth upon an equality with the child born in wedlock with respect to his claims upon the father. The obligation of the father to give at least a measure of support to his child born out of wedlock, however, has been recognized by the laws of most of the States. The period over which support is required and the maximum amounts frequently specified have in many cases been entirely inadequate. Even though the intent of the law is to require fairly adequate provision, the difficulties of enforcement are very great. These include the reluctance of the mother to reveal the name of the father and to testify in open court, the absconding of the father to another State, the difficulty in obtaining evidence and in establishing the facts, and compromises out of court for inadequate sums.

Legislation in the United States compelling the father to contribute to the support of his child born out of wedlock originated in the desire to protect the public from the necessity of supporting such children rather than in concern for their welfare. Although this principle had been somewhat modified in favor of the mother and the child, few radical changes were made until recent years. Within the last decade there has been a marked change in social emphasis, the child's welfare being made the predominant consideration, accompanied by the recognition of the State's responsibility. Laws in accordance with this trend have already been enacted in some States, and in a number of others bills embodying radical changes have been given serious consideration. (See pp. 16–20.)

Support is sometimes obtained without court action through the efforts of social agencies or otherwise. However, studies have shown that the father's responsibility for the support of his child is assumed in only a small proportion of the cases coming to the attention of social agencies, and usually only to a limited extent. That so many children born out of wedlock are deprived of support from their fathers has serious implications in regard to chance for survival, health, and opportunities for normal childhood. For three cities the percentages of cases of children under 2 years of age known to social agencies (including maternity homes and hospitals) in which the father had made any contribution to the support of the child were: Boston, 38 per cent; Milwaukee, 36 per cent; and Philadelphia, 40 per cent.[11]

The ability of the father to assume his legal obligations for the support of his child, aside from the very important item of his willingness to do so, is indicated to some extent by data concerning the marital status, age, and occupation of the father. Perhaps the most important factor is marital condition, as related to his obligation to support a legal family. In this respect, and also as an indication

[11] Ibid., p. 244.

of the character of the fathers, it is extremely significant that studies including 2,183 fathers showed approximately one-third to be married, widowed, divorced, or separated. For five studies—three in Boston, one in Philadelphia, and one in Milwaukee—the percentages of fathers reported as married, widowed, divorced, separated, or deserting were as follows: 15, 27, 28, 31, and 42, respectively.[12]

## THE FACTORS IN THE PROBLEM IN RELATION TO PREVENTIVE SOCIAL MEASURES

In considering illegitimate parenthood from the point of view of reduction of the problem it is necessary to analyze the factors that lead to the condition. Girls and women who become mothers out of wedlock may be divided into the following types: (*a*) The mentally subnormal girl who lacks controlling inhibitory instincts and is an easy victim because of helplessness; (*b*) the young, susceptible girl, unprotected from dangers, who gets into trouble because of lack of understanding, or through force; (*c*) the more mature young woman of good character who is led by false promises or who weakly or rashly follows an instinct that under other conditions would have been normal and social; (*d*) the really delinquent girl or woman, who knowingly chooses antisocial conduct, her illegitimate maternity being only an incidental evidence of repeated immorality. The last type is undoubtedly recruited to a considerable extent from the preceding ones. The fathers include young boys who equally with the mothers need constructive help, and older men, many of whom are married, widowed, divorced, or separated, and have children of legitimate birth dependent upon them for support.

Preventive and reconstructive measures must be based on knowledge of how the individuals composing the antisocial group deviate—inherently or accidentally—from the average (that for want of a better measure is considered the normal). How much of the illegitimate parenthood represented by approximately 60,000 births annually in the United States may properly be attributed to moral delinquency, and what measures can be undertaken to lessen the problem? There can be no general rule for handling this problem. Each case represents a variety of conditions and must be dealt with individually. But in this, as in other social problems requiring individual treatment, certain general facts emerge from study of the background of illegitimate parenthood, and these indicate underlying conditions that should be recognized and dealt with.

### AGES OF MOTHERS

Undoubtedly the individual and social maladjustments frequently accompanying adolescence are significant factors in illegitimate maternity. Unmarried mothers are for the most part young mothers, and a considerable proportion are girls in their teens. A comparison is shown in Table 4 of the ages of married and unmarried white mothers of first-born children, based on data obtained from field studies of infant mortality in four cities and from studies of illegitimacy in one of these cities and in three others:[13]

[12] Ibid., p. 243.

[13] The percentage of foreign born among the total female white population of the two groups of cities was approximately the same.

TABLE 4.—*Percentage distribution of married and unmarried white mothers of first-born children, by age*

| Age | Percentage distribution | | Age | Percentage distribution | |
|---|---|---|---|---|---|
| | Married white mothers (4,116) [1] | Unmarried white mothers (1,486) [2] | | Married white mothers (4,116) [1] | Unmarried white mothers (1,486) [2] |
| Under 18 years | 5 | 17 | 25 years, under 30 | 21 | 10 |
| 18 years, under 21 | 27 | 30 | 30 years, under 35 | 6 | 3 |
| 21 years, under 25 | 39 | 39 | 35 years and over | 2 | 1 |

[1] In Baltimore, Gary, New Bedford, and Waterbury.
[2] In Baltimore, Boston, Milwaukee, and Philadelphia.

It is seen that slightly more than one-sixth of the mothers out of wedlock were under 18 years of age. Of the group that may be considered "normal," that is, conforming to law and custom, only one-twentieth were under this age. In the next age group there is very little difference—the proportion of unmarried mothers 18 to 20 years of age being 3 per cent higher than the proportion of married mothers. The proportions in the 21 to 24 year groups are the same, but in the 25 to 30 year group the proportion of unmarried mothers is 11 per cent lower than the proportion of married mothers. It must be remembered that first births only are included for both groups.

These age figures show the importance of preventive and protective work which will safeguard young girls from undesirable influences and develop in them judgment and stability of character. Herein lies the most hopeful possibility for the reduction of illegitimacy and the delinquencies with which it is allied.

For 1,576 fathers of children born out of wedlock, included in studies in various localities, information concerning age was obtained: The percentage distribution was as follows:[14]

| Age of fathers | Per cent | Age of fathers | Per cent |
|---|---|---|---|
| Total | 100.0 | 18 years, under 21 | 19.4 |
| | | 21 years, under 25 | 39.1 |
| Under 18 years | 3.5 | 25 years and over | 38.0 |

It is not possible to compare the ages of these fathers with the ages of married fathers. Nearly one-fourth, as compared with almost half the mothers, were under 21.

### MENTALITY OF MOTHER

Inferior mentality and psychopathic traits are without doubt of importance as predisposing factors, though early estimates of the proportion of unmarried mothers who were feeble-minded were undoubtedly overstatements. Few reliable figures are available concerning the extent of mental defect among unmarried mothers, and it is obviously impossible to obtain comparable figures as to men-

[14] Illegitimacy as a Child-Welfare Problem—Pt. 3, pp. 48, 109, 210.

tality for the group conforming to social customs—the married mothers. No information has been obtained concerning the mentality of the fathers.

Proportions of mothers who had been diagnosed as feeble-minded, subnormal, or insane, as reported in various studies, range from 4 to 16 per cent. These percentages are based upon the total number of mothers included in the studies, a large proportion of whom had not been given mental examinations.[15]

Emphasis has often been placed on the possibility of preventing a part of this problem through adequate provision for the mentally subnormal. Analysis of data concerning child-mothers shows that more than one-fifth were known to be not normal mentally.[16] Of the girls 15 years of age and under, 30 per cent were so reported. The need is urgent for protecting these young girls, who are especially defenseless because lacking in intelligence. It has been shown for four large cities that one-sixth of the unmarried mothers were under 18 years of age; the significance of the proportion of low mentality among them is obvious.

### PREVIOUS CHARACTER OF MOTHERS

Often illegitimate maternity is part of a career of immorality and other delinquencies induced by bad environment, absence of healthful forms of recreation, and unprotected youth. From one-fourth to almost two-thirds of the mothers included in a number of studies were reported to have been morally delinquent or of otherwise poor character in addition to the experience resulting in the birth of a child out of wedlock,[17] and two-thirds of a group of over 700 fathers known to Boston agencies were so reported.[18] In a group of 320 girls under the age of 18 years for whom there was information as to character, almost half were known to have been delinquents previous to this experience, and one-third of the whole number were known to have been immoral previously. Apparently the difficulty began in early adolescence in a large proportion of cases.

### OCCUPATIONAL STATUS OF MOTHERS

A comparison was made of the occupations of unmarried mothers previous to the birth of the child and of all gainfully employed women in Boston.[19] Of almost 700 unmarried mothers, 86 per cent had been gainfully employed before the child's birth. Of the unmarried mothers 16 to 20 years of age at the time of the child's birth, 83 per cent were engaged in gainful occupations; only 60 per cent of the same age group in the general population were gainfully employed.

The figures as to occupational status show that unmarried mothers are for the most part young wage earners in the less skilled occu-

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[15] Ibid., p. 241 (mothers under care of Massachusetts State Infirmary not included).
[16] From data obtained in Boston and Massachusetts for the report Illegitimacy as a Child-Welfare Problem—Pt. 2, p. 113 (U. S. Children's Bureau Publication No. 75, Washington, 1921).
[17] Illegitimacy as a Child-Welfare Problem—Pt. 3, p. 241.
[18] Ibid., pt. 2, p. 198.
[19] The figures for unmarried women relate to 1914, and the figures for all employed women were derived from the Thirteenth Census of the United States, 1910.

pations. Almost a third of all gainfully employed women in Boston were classed as semiskilled workers; the percentage among the unmarried mothers was the same. But 16 per cent of all wage-earning women were factory operatives—an occupation within the semiskilled group—compared with 27 per cent of the unmarried mothers. The most striking discrepancy is found in the percentages in domestic and personal service—25 per cent of all working women compared with 55 per cent of the unmarried mothers were so employed.

Statistics relating to the occupation of the father indicate that in the communities studied almost half were semiskilled workers, laborers, or servants, though a large percentage were skilled workers or clerks and kindred workers.[20]

### HOME CONDITIONS OF MOTHERS

The incidence of broken homes or abnormal home conditions is an important causative factor in all forms of delinquency. In three cities where analyses were made of the histories of unmarried mothers coming to the attention of social agencies, 31 per cent, 49 per cent, and 71 per cent, respectively, came from homes broken through the death of one or both parents, or through divorce, separation, or desertion, or were foreign-born mothers whose parents had never been in the United States.[21]

The close relation between home conditions and delinquency is brought out in analysis of the histories of 320 unmarried mothers under 18 years of age. In over half the cases in which the girls had been immoral, otherwise delinquent, or of poor character, aside from the experience which had brought them within the scope of the study, the parents were delinquent or of poor character, or had been dependent upon charity. Where both parents were living and were present in the home 55 per cent of the girls were reported to have been of good character and 45 per cent of poor character. Where conditions were abnormal 49 per cent of the girls had been of good character and 51 per cent had not. These figures point to what is probably the most fundamental of the underlying causes—low standards of family life and the absence of wholesome home influences. Even before the special need for care occasioned by illegitimate maternity a large number of these child-mothers had required care and protection outside their own homes. Forty of the 320 girls had been in correctional institutions or before courts; 43 had been wards of child-caring agencies; and 10 had been under care both as delinquent and as dependent children.

The need for the following preventive social measures is indicated: (*a*) Proper care and protection of the mentally subnormal; (*b*) education in sex hygiene; (*c*) safeguarding of recreation and provision of wholesome activities into which the normal instincts of youth may be directed; (*d*) development of school programs for dealing with problems of maladjustment and conduct; (*e*) adequate provision for

[20] Illegitimacy as a Child-Welfare Problem—Pt. 3, p. 244. In Baltimore, a city having a large negro population, two-thirds of the fathers were semiskilled workers, laborers, or servants.

[21] Ibid., p. 242.

supervision in the community and for institutional care directed toward reeducation for delinquent young people of both sexes; and (*f*) legal provision for holding both mothers and fathers to their responsibilities toward their children born out of wedlock.

## CONSTRUCTIVE LEGISLATION

The laws of the Scandinavian countries relating to children born out of wedlock are recognized as setting standards in advance of those prevailing in most countries. In considering the extent to which the legislation of any country may be used as a guide in framing laws for the United States differences in legal systems and social conditions must be borne in mind.

The Norwegian law that became effective January 1, 1916, gives a child born out of wedlock the same right of inheritance that is given a child of legitimate birth. The responsibility for maintenance is placed upon both parents in accordance with the economic status of the one more favorably situated. The law requires the compulsory reporting of pregnancy by the physician or midwife consulted and of the birth of a child out of wedlock by the physician or midwife or by the mother. Upon receipt of the notice the local police authority reports to the superior magistrate, who issues a citation upon the man named as father. If the alleged father does not admit paternity he must make application to institute an action of paternity or else be held liable as the father.[22]

The Swedish law, which went into effect January 1, 1918, gives no right of inheritance from the father except in the case of "betrothal children" but places the responsibility for support on both parents. The economic circumstances of both are to be taken into account. The mother is given the custody and legal guardianship of the child, unless otherwise ordained by the court. The parent not having the care of the child is to meet the expenses of his maintenance. A woman with child out of wedlock must report her condition to the "guardian official" of the parish or to the person commissioned by him. Immediately upon receipt of such report or of information that a child has been born out of wedlock, the guardian official must designate a suitable man or woman as guardian of the child. It is made the duty of the guardian to assist the mother with counsel and information and to see that the child's rights and welfare are properly safeguarded. It is especially incumbent upon him to see that steps are taken immediately for the determination of paternity and status and for insuring the child's support. In the trial the burden of proof is on the complainant and not on the alleged father, as in Norway, unless formal acknowledgment of paternity has been made previously. The guardian is to assist in fixing the amount of support and in securing payments.[23]

Legislation in the United States providing for support by the father for his child born out of wedlock was modeled largely after English bastardy legislation, and few significant changes occurred until within the last few years. The Minnesota law of 1917 is among

[22] Svensk Författningssamling. 1917 N: r. 376. Lag on barn utom äktenskap: given Leifur Magnusson. U. S. Children's Bureau Publication No. 31. Washington. 1918.
[23] Svensk Författningssambling. 1917. N: r. 376. Lag om barn utom äktenskap: given Stockholms Slott den 14 juni, 1917.

the most practical and far-reaching yet enacted in the United States and embodies in large part the features of the best foreign laws, so far as they were considered applicable to conditions in this country. It includes an emphatic declaration of the State's responsibility for the welfare of children born out of wedlock:

> This chapter shall be liberally construed with a view to effecting its purpose, which is primarily to safeguard the interest of illegitimate children and secure for them the nearest possible approximation to the care, support, and education that they would be entitled to receive if born of lawful marriage, which purpose is hereby acknowledged and declared to be the duty of the State.[24]

Under the Minnesota law the person adjudged the father is placed under all the obligations imposed by law upon the father of the child of legitimate birth. Upon the State board of control are imposed definite responsibilities for the protection of children born out of wedlock. The work that is being done and the results that have already been obtained by the various county boards of child welfare in this State are worthy of special attention as important accomplishments in the reduction of child dependency and neglect.

At the request of the Inter-City Conference on Illegitimacy, the Children's Bureau in February, 1920, called two regional conferences, one in Chicago, representing the Middle West, and the other in New York, representing the eastern part of the country.

Representatives of public departments, executives and case workers of child-caring agencies, judges, lawyers, probation officers, and others who had been invited to attend because of their special interest in the problem under consideration, were present at the conferences. Although attendance at each of the two-day conferences was limited, 21 States, the District of Columbia, and Canada were represented, the delegates coming from a total of 35 cities.

The conferences dealt with the broad basic principles of legislation for the protection of children born out of wedlock, from the points of view of the lawyer and of the social worker; with methods of establishing parentage, types of court procedure, and the responsibility of the father and of the mother; and with the extent to which the State should assume guardianship or supervision over children of illegitimate birth. The rights and responsibilities of the child, the mother, the father, and the State were discussed. It was generally agreed that the welfare of the child is of greatest concern. The necessity of flexibility of machinery and methods and individual case work was pointed out. At the last meeting of each conference a resolutions committee of five members submitted a report which was discussed and acted upon by the whole group.

Although in some instances one conference went further than the other, there is remarkable unanimity in the resolutions adopted by the two groups, and the main recommendations are here summarized together:

*1. Birth registration.*—All births should be registered, but in case of an illegitimate birth the name of the father should be recorded on the birth certificate only after an adjudication of paternity or on the written consent of the father. Adjudications of paternity should be reported by courts to the birth-registration authorities. Records of birth out of wedlock should be confidential,

[24] Minnesota. Laws of 1917, ch. 210, amending Gen. Stat. 1913 by adding sec. 3225 (d).

open to inspection only upon order of court, and transcripts for school or work purposes should not disclose any facts concerning birth status.

*2. Reporting to administrative agency.*—All births not clearly legitimate should be reported to a public agency having the responsibility for child welfare.

*3. Establishment of paternity.*—Proceedings to establish paternity should be initiated by the mother. If she is unwilling, and the public agency above referred to deems it advisable in the interest of the child, proceedings should be instituted by the public agency. The law should provide for the use of either a civil or a criminal proceeding, as the exigencies of the case demand. The court given jurisdiction should be equipped with a staff of probation officers or other social case workers, and the proceedings should be as informal and private as possible.

*4. The father's responsibility for the support of the child.*—The resolutions of the middle-western conference stated that "the father of a child born out of wedlock should make financial provision for the adequate care, maintenance, and education of the child, having reference to the father's economic condition." The resolutions of the eastern conference included the statement that "the obligations for support on the part of the father should be the same for the child born out of wedlock as for the legitimate child." Both conferences agreed that the court should have continuing jurisdiction with reference to both custody and support during the minority of the child, that the acceptance of lump-sum payments should be in the discretion of the court, and that settlements out of court in order to be valid should be approved by the court.

*5. Inheritance and name.*—After an adjudication of paternity or an acknowledgment in writing by the father the child born out of wedlock should have the same rights of inheritance as the child born in wedlock. Assumption of the name of the father should be permissive after adjudication of paternity or acknowledgment in writing by the father.

6. *Legitimation.*—The resolutions of the eastern conference stated that subsequent marriage of the parents should legitimate the child born out of wedlock and that offspring of a void or voidable marriage should be by law legitimate.

*7. Care by the mother.*—Whenever possible the mother should be persuaded to keep her child during the nursing period at least, but the enactment of compulsory legislation was not recommended.

*8. State supervision.*—The duty of the State to protect the interests of children born out of wedlock was recognized and affirmed. The conferences recommended the creation, with due allowance for local variance and need, of State departments having responsibility for child welfare, whose duties should include responsibility for assisting unmarried mothers and their children. The parents should not be permitted to surrender a child for adoption, or to transfer guardianship, or to place him out permanently for care, without order of a court or a State department, made after investigation. The State should license and supervise private hospitals that receive unmarried mothers for confinement and all private child-helping and child-placing agencies. Full opportunity should be afforded,

however, for the development of private initiative, and there should be cordial cooperation between private agencies and the State.

In August, 1920, the National Conference of Commissioners on Uniform State Laws, at the request of the Children's Bureau, appointed a committee to consider illegitimacy legislation and to suggest a model law that might be followed by the various States with such modifications as might be found necessary to suit local conditions. At its 1922 annual meeting the conference approved a "uniform illegitimacy act" and recommended it to the States for adoption.[25]

The bill as recommended deals entirely with the obligation of the parents for the child's support, except that a section is included which eliminates unnecessary reference to illegitimacy in records, certificates, and other papers. Questions relating to the registration of illegitimate births are not included, because they have been covered in the model birth registration law proposed by the commissioners on uniform State laws. Items concerning status—inheritance, legitimation, the right to the father's name—were included in the first draft which was considered at the 1921 meeting but were later omitted because of the opposition that arose to a number of the provisions.

The initial statement of the bill is practically identical with the corresponding section of the Norwegian law: "The parents of a child born out of wedlock and not legitimated owe the child necessary maintenance, education, and support." The uniform law makes the father liable for the expenses of the mother's pregnancy and confinement. The obligations of the parents to support the child under the laws for the support of poor relatives are also made to apply to children born out of wedlock. The obligation of the father, where his paternity has been judicially established in his lifetime or has been acknowledged by him, is enforceable against his estate—in such amount as the court may determine, having regard to various factors specified relative to the child, his mother, and the father's lawful family.

Action may be undertaken against the father by the mother, her legal representative, a third person furnishing support, or the authorities charged with the child's support, should he become dependent. The support judgment is to be for annual amounts, equal or varying, until the child reaches the age of 16 years. Payments are to be made to the mother or to a trustee. The court has continuing jurisdiction over proceedings brought to compel support and may increase or decrease the amount, and also has continuing jurisdiction to determine custody in accordance with the interests of the child.

In default of security, when required, instead of committing the father to jail, or as a condition of release from jail, the court may commit him to the custody of a probation officer, upon such terms regarding payments and personal reports as the court may direct. One of the most important clauses in the sections relating to proceedings to compel support states that agreement or compromise concerning the support of the child shall be binding upon the mother

[25] Uniform illegitimacy act, drafted by the National Conference of Commissioners on Uniform State Laws, and by it approved and recommended for enactment in all the States at its conference at San Francisco, Calif., Aug. 2–8, 1922.

or child only when adequate provision is fully secured by payment or otherwise and when approved by a court having jurisdiction to compel support of the child. This safeguard is an evident need in many States.

In 1923 the principles of the uniform act were incorporated into the laws of North Dakota, South Dakota, New Mexico, and Arizona, and in 1925 they were adopted in Iowa. Various legal and social organizations have been active in educational work to promote public recognition of this measure for the reduction of child dependency and neglect. It has influenced legislation in States which have not adopted it but which have amended their statutes in certain respects.

Important as is legislation in obtaining justice and opportunity for children handicapped by their birth status, the attitude of society as a whole, especially of persons engaged in constructive social work, is of fundamental importance. The problem will not be dealt with adequately until there is more general recognition of the right of the child to care and support from his parents, whenever such provision is possible, and of the necessity for the most careful and unbiased work with each individual case. When the meaning to the individual child of birth out of wedlock and the burden that is imposed upon the State as a result of this problem are more fully recognized, there will be demanded for each child the support and protection to which all the children are equally entitled.

The child-welfare standards adopted by the Washington and regional conferences on child welfare held under the auspices of the Children's Bureau in May, 1919, include a statement of measures that may help to give the child born out of wedlock a square deal:

> The child born out of wedlock constitutes a very serious problem, and for this reason special safeguards should be provided.
>
> Save for unusual reasons both parents should be held responsible for the child during his minority, and especially should the responsibility of the father be emphasized.
>
> Care of the child by his mother is highly desirable, particularly during the nursing months.
>
> No parent of a child born out of wedlock should be permitted to surrender the child outside his own family, save with the consent of a properly designated State department or a court of proper jurisdiction.
>
> Each State should make suitable provision of a humane character for establishing paternity and guaranteeing to children born out of wedlock the rights naturally belonging to children born in wedlock. The fathers of such children should be under the same financial responsibilities and the same legal liabilities toward their children as other fathers. The administration of the courts with reference to such cases should be so regulated as not only to protect the legal rights of the mother and child but also to avoid unnecessary publicity and humiliation.
>
> The treatment of the unmarried mother and her child should include the best medical supervision and should be so directed as to afford the widest opportunity for wholesome, normal life.[26]

[26] Minimum Standards for Child Welfare, Adopted by the Washington and Regional Conferences on Child Welfare, 1919, p. 13. U. S. Children's Bureau Publication No. 62. Washington, 1920.

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